

Act No. 276
Public Act of 1989
December 28, 1989
Filed by the Secretary of State
December 28, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Reps. Nye, Stabenow, Emmons, Walberg, Jondahl, Bandstra, Strand, Fitzgerald, Willis Bullard, Dolan, Jaye, Crandall, Brown, Perry Bullard, DeMars, Martin, Gubow and Scott

ENROLLED HOUSE BILL No. 5269

AN ACT to amend section 7 of Act No. 205 of the Public Acts of 1956, entitled "An act to confer upon circuit courts jurisdiction over proceedings to compel and provide support of children born out of wedlock; to prescribe the procedure for determination of such liability; to authorize agreements providing for furnishing of such support and to provide for the enforcement thereof; and to prescribe penalties for the violation of certain provisions of this act," as amended by Act No. 107 of the Public Acts of 1986, being section 722.717 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 7 of Act No. 205 of the Public Acts of 1956, as amended by Act No. 107 of the Public Acts of 1986, being section 722.717 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 7. (1) If the finding of the court or verdict is against the defendant father, if the defendant father acknowledges paternity either orally to the court or by the filing with the court a written acknowledgment of paternity, or if he is served with summons and a default is entered against him, the court shall enter an order of filiation declaring paternity and providing for the support of the child.

(2) The order of filiation shall specify the sum to be paid weekly or otherwise, until the child reaches the age of 18. In addition to providing for the support of the child, the order shall also provide for the payment of the necessary expenses incurred by or for the mother in connection with her confinement, for the funeral expenses if the child has died, for the support of the child prior to the making of the order of filiation, and such expenses in connection with the pregnancy of the mother or of the proceedings as the court considers proper. However, if proceedings under this act are commenced after the lapse of more than 6 years from the birth of the child, an amount shall not be awarded for expenses or support that accrued before the date on which the complaint was filed unless any of the following circumstances exists:

- (a) Paternity has been acknowledged by the father in writing in accordance with statutory provisions.
- (b) A payment was made for support of the child during the 6-year period, and proceedings are commenced within 6 years from the last of any such payments.
- (c) The defendant was out of the state, was avoiding service of process, or threatened or coerced the complainant not to file a proceeding under this act during the 6-year period. The court may award an amount for expenses or support that accrued before the date the complaint was filed if the complaint was filed within a period of time equal to the sum of 6 years and the time which the defendant was out of state, was avoiding service of process, or threatened or coerced the complainant not to file a proceeding under this act.

(3) The court shall order support in an amount determined by application of the child support formula developed by the state friend of the court bureau, except that the court may enter an order that deviates from the formula under either of the following circumstances:

(a) If the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate and sets forth in writing or on the record all of the following:

(i) The support amount determined by application of the child support formula.

(ii) How the support order deviates from the child support formula.

(iii) The value of property or other support awarded in lieu of the payment of child support, if applicable.

(iv) The court's reasons for its determination.

(b) If the parties agree to a different amount, provided that the party receiving child support is not a recipient of public assistance.

(4) For the purposes of this act, "support" may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses. The court shall require that 1 or both parents shall obtain or maintain any health care coverage that is available to them at a reasonable cost, as a benefit of employment, for the benefit of a child who is the subject of an order of filiation under this section. If a parent is self-employed and maintains health care coverage, the court shall require the parent to obtain or maintain dependent coverage for the benefit of the child, if available at a reasonable cost.

(5) A judgment or order entered under this act providing for the support of a child or payment of expenses in connection with the mother's confinement or pregnancy shall be enforceable as provided in the support and visitation enforcement act, Act No. 295 of the Public Acts of 1982, being sections 552.601 to 552.650 of the Michigan Compiled Laws.

(6) Upon entry of an order of filiation, the clerk of the court shall transmit to the director of public health on a form prescribed by the director a written notification of the order, together with such other facts as may assist in identifying the birth record of the person whose paternity was in issue. If the order is abrogated by a later judgment or order of the same or a higher court, that fact shall be immediately communicated in writing to the director of public health on a form prescribed by the director by the clerk of the court which entered the order.

Section 2. This amendatory act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law:

(a) House Bill No. 5265.

(b) House Bill No. 5266.

(c) House Bill No. 5267.

(d) House Bill No. 5268.

(e) House Bill No. 5270.

(f) House Bill No. 5271.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.